

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHERRI R. LOWE,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
VS.)	
)	3:12-CV-1725-G (BH)
VIEWPOINT BANK,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Before the court is the plaintiff's motion for relief from the court's September 16, 2014 order, or in the alternative, for summary judgment (docket entry 89). For the following reasons, the plaintiff's motion is DENIED.

I. BACKGROUND

The plaintiff, Sherri R. Lowe, filed her original complaint against the defendant, ViewPoint Bank, in June 2012. The case was automatically referred to a magistrate judge (docket entry 5). On August 22, 2014, the magistrate judge issued a recommendation concerning three motions: the plaintiff's motion for leave to file a third amended complaint (docket entry 59); the defendant's motion to dismiss for failure to state a claim, or in the

alternative, for summary judgment (docket entry 63); and the plaintiff's motion for summary judgment for all claims (docket entry 68). The magistrate judge recommended the court (1) deny the plaintiff's request for leave to file a third amended complaint, (2) grant the defendant's motion to dismiss, (3) grant, in part, the defendant's motion for summary judgment, and (4) deny the plaintiff's motion for summary judgment (docket entry 74). The court adopted the magistrate judge's recommendation on September 16, 2014 (docket entry 78).

After the court adopted the magistrate judge's recommendation, the plaintiff filed an untimely motion for relief from the recommendation (docket entry 80). Citing the untimeliness of the plaintiff's objections, the court denied the motion (docket entry 82). After this denial, the plaintiff filed the present motion seeking relief from the court's order, or in the alternative, summary judgment.

II. ANALYSIS

Federal Rule of Civil Procedure 60 allows a court to grant a party relief from a judgment or order for several enumerated reasons, including "mistake, inadvertence, surprise, or excusable neglect ...; fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party ...; [and] any other reason that justifies relief." FED. R. CIV. P. 60. After reviewing the brief supporting the plaintiff's motion, the court finds none of these enumerated reasons present and moreover finds no general injustice from which relief should be granted.

III. CONCLUSION

For the foregoing reasons, the plaintiff's motion is DENIED.

SO ORDERED.

November 24, 2014.



A. JOE FISH

Senior United States District Judge